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20/142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jon A. Nichols

Serial No.: 09/835,198

Filed: April 13, 2001

For: MASS RATE ATTENUATOR

Group Art Unit: 1743

Examiner: Elizabeth S. Quan

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**RESPONSE TO FINAL OFFICE ACTION**

Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

November 05, 2003  
Los Angeles, CA 90024

This is a response to the Final Office Action dated September 9, 2003.

REMARKS

Only claims 1,3-7, 9, 13-14, and 18-19 remain in the application for consideration, of which none were allowed.

Enclosed are 5 sheets of formal drawings. Also enclosed is an informal copy of Fig. 2 with a requested change shown in red ink. The formal drawings include the change.

The Examiner objected to the statement in Claim 1 that the actuator is constructed to automatically move the shuttle repeatedly "between only said first and second positions". The Examiner said this is not disclosed in the original specification. Applicant cites the following 3 sections of the specification as proof that the original specification did disclose this:

1. Page 9, lines 11-15:

"As soon as the transfer mobile phase with analyte is flowed out of the aliquot passage at the position 120X, the rotor is turned back to the original first position where the aliquot passage 120 is aligned with the primary stream 24, where it will again be filled with